

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL ACTION NO. \_\_\_\_\_**

**HUBERT D. GUNTER AND MYRA Y.  
GUNTER,**

**Plaintiffs,**

**v.**

**STATE FARM FIRE AND CASUALTY  
COMPANY,**

**Defendant.**

**NOTICE OF REMOVAL**

**NOW COMES** the Defendant, State Farm Fire and Casualty Company (hereinafter “State Farm”), by and through its undersigned attorneys of record and pursuant to the provisions of 28 U.S.C. §§ 1332 and 1446, and hereby provides its Notice of Removal to this Court from the General Court of Justice, Superior Court of Cleveland County, North Carolina based on diversity of citizenship and amount in controversy. In support of such removal, State Farm respectfully states the following:

1. On November 12, 2024, the plaintiffs commenced a proceeding against State Farm by filing of a Civil Summons and Complaint, styled *Hubert D. Gunter and Myra Y. Gunter v. State Farm Fire and Casualty Company* Case No. 24 CvS 1853, which proceeding is currently pending. A copy of the documents Plaintiffs served on State Farm are attached hereto as Exhibit 1.
2. Plaintiffs delivered their complaint setting forth the plaintiffs’ claims upon which this action is based via process server through the North Carolina Department of Insurance on November 20, 2024. The North Carolina Department of Insurance accepted service on behalf of State Farm on or after November 20, 2024.

3. This case is a civil action within the meaning of the Acts of Congress relating to the removal of causes. State Farm has not filed any pleadings or papers in this action in State Court and the time during which State Farm is required by state law or rules of court to answer or to plead to the plaintiffs' complaint has not expired. No other process, pleading or order has been served on State Farm.

4. This civil action arises out of claims by the plaintiffs for breach of contract, restitution/unjust enrichment/quantum meruit, bad faith/breach of the covenant of good faith and fair dealing, negligence, and unfair and deceptive trade practices. The complaint seeks compensatory damages, treble damages, punitive damages, and attorney's fees.

5. This action is removable because there is diversity of citizenship and the requisite amount in controversy as required by 28 U.S.C. §1332. Plaintiffs are residents of Cleveland County, North Carolina. State Farm is a foreign corporation organized and existing under the laws of the State of Illinois, and has its principal place of business in Bloomington, Illinois. Accordingly, complete diversity exists between these parties in this case.

6. The United States District Court also has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332, because there is a diversity of citizenship among the necessary and properly named parties and, upon information and belief, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. This action is therefore removable to this Court pursuant to 28 U.S.C. §1441(b).

7. This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b) and Rule 81 of the Federal Rules of Civil Procedure because it is filed within thirty (30) days after Plaintiffs' service on State Farm through the North Carolina Department of Insurance of a copy

of the initial pleading setting forth the claim for relief upon which this action or proceeding is based.

8. By filing this Notice of Removal, State Farm does not waive any of its objections to personal jurisdiction, service, or other affirmative defenses.

9. Pursuant to 28 U.S.C. §1446(d), State Farm will file a Notice of Filing this Notice of Removal, with a copy of this Notice of Removal, with the State Court and thereby will notify the Clerk of the General Court of Justice, Superior Court Division, Cleveland County, North Carolina of the removal.

10. A copy of the Notice of Filing of Notice of Removal to be filed in the General Court of Justice, Superior Court Division, is attached hereto as Exhibit 2. State Farm has served a copy of the Notice of Removal on the Plaintiffs in accordance with 28 U.S.C. §1446(d).

WHEREFORE, this action is hereby removed to this Court from the General Court of Justice, Superior Court Division, Cleveland County, North Carolina.

This the 19<sup>th</sup> day of December, 2024.

**/s/ SCOTT LEWIS**  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2024 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and I hereby certify I have attached the document to electronic mail to the following:

Frederick L. Terrell  
[fterrell@terrell-lawfirm.com](mailto:fterrell@terrell-lawfirm.com)  
*Counsel for Plaintiffs*

Respectfully submitted,

/s/ SCOTT LEWIS  
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